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In re Application of :
BEELEY et al. :
Serial No.: 09/554,533 :
PCT No.: PCT/US98/24210 : DECISION ON PETITION
Int. Filing Date: 13 November 1998 :
Priority Date: 14 November 1997 : UNDER 37 CFR 1.137(b)
Attorney's Docket No.: 030639.0043.UTL2 :
For: NOVEL EXENDIN AGONIST COMPOUNDS :

This is a decision on applicants' "Petition for Revival of an Abandoned Application Under 37 CFR 1.137(b)" in the above referenced application. The petition was filed on 11 July 2002 in the United States Patent and Trademark Office (USPTO). A petition fee of \$640 is required and charged to applicant's deposit account. This is also in response to applicant's "Communication" filed on 15 July 2002 and "Right of Assignee to Take Action Under 37 CFR§3.73" filed on 01 August 2002 along with a copy of the executed assignment..

BACKGROUND

On 14 June 2000, a Notification of Missing Requirements (Form PCT/DO/EO/905) was mailed to applicants indicating that the oath or declaration, in compliance with 37 CFR 1.497(a) and (b), and surcharge for filing the oath or declaration after the thirty month period was required.

On 18 September 2001, after the period within which to respond to the Form 905 expired, a Notification of Abandonment (Form PCT/DO/EO/909) was mailed to applicants indicating that applicants had failed to respond to the Notification of Missing Requirements and that the application was considered abandoned.

On 11 July 2002, applicants responded to the Notification of Abandonment with the instant petition to revive the abandoned application and with a declaration executed by the inventors. The declaration, which accompanied the response, referenced international application no. PCT/US98/24210.

DISCUSSION

The petition to revive under 37 CFR 1.137(b) filed 11 July 2002 in the above-captioned application is hereby granted as follows:


Applicants' statement that international application that "entire delay in filing the required reply from the due date for the reply until the filing of this grantable petition under 37 CFR 1.137(b) was unintentional" meets the requirements of 37 CFR 1.137(b)(3).

A review of the application file reveals that the basic national fee of \$335 has been paid. The required petition fee of \$640 will be charged to applicants' deposit account per their authorization and thus, the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America. The \$65 surcharge for filing the declaration after the thirty month period will also be charged to applicant's deposit account.

CONCLUSION

For the reasons stated above, the petition to revive under 37 CFR 1.137(b) filed 11 July 2002 in the above-captioned application is **GRANTED**.

This application is being forwarded to the National Stage Processing Division of the Office of PCT Operations for continued processing. The 35 U.S.C. 371(c) date is **11 July 2002**.



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